

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JACK C. CHILINGIRIAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civ. No. 05-CV-10005-RCL
	)	
DAVID L. WINN, WARDEN,	)	
	)	
Respondent.	)	

MOTION OF RESPONDENT DAVID L. WINN TO DISMISS

The Respondent David L. Winn, through his undersigned counsel hereby moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the Petition For Writ of Habeas Corpus under 28 U.S.C. § 2241. In support of this motion, the Respondent submits the accompanying Memorandum of Respondent David L. Winn in Opposition to Petitioner's Request for Relief and in Support of Respondent's Motion to Dismiss, and the Declaration of FMC Devens Paralegal Trainee Stephanie J. Scannell.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Jennifer C. Boal  
JENNIFER C. BOAL  
Assistant U.S. Attorney  
John Joseph Moakley U. S. Courthouse  
One Courthouse Way, Suite 9200  
Boston, Massachusetts 02210  
617-748-3310

March 9, 2005



CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent submits that, because LR. 7.1(A)(2) requires “counsel” to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ Jennifer C. Boal  
Jennifer C. Boal

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document , as well as the accompanying Memorandum of Law and Declaration described above, were served upon Petitioner Jack C. Chilingirian, Reg. No. 22512-039, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

March 9, 2005

/s/ Jennifer C. Boal  
Jennifer C. Boal